

CHAPTER 7  
IMMUNIZATION AND IMMUNIZATION EDUCATION: PERSONS ATTENDING  
ELEMENTARY OR SECONDARY SCHOOLS, LICENSED CHILD CARE CENTERS OR  
INSTITUTIONS OF HIGHER EDUCATION

[Prior to 7/29/87, Health Department[470]]

**641—7.1(139A) Definitions.**

*“Admitting official”* means the superintendent of schools or the superintendent’s designated representative if a public school; if a nonpublic school or licensed child care center, the governing official of the school or child care center.

*“Applicant”* means any person seeking enrollment in a licensed child care center or elementary or secondary school.

*“Certified medical assistant”* means a person certified to practice as a certified medical assistant following completion of a postsecondary medical assistant program accredited by the Commission on Accreditation of Allied Health Education Programs or the Accrediting Bureau of Health Education Schools and successful completion of the certification examination.

*“Competent private instruction”* means private instruction as defined by the department of education pursuant to Iowa Code section 299A.1.

*“Department”* means the Iowa department of public health.

*“Electronic signature”* means a confidential personalized digital key, code, or number that is used for secure electronic data transmission and that identifies and authenticates the signatory.

*“Elementary school”* means kindergarten if provided, and grades one through eight or grades one through six when grades seven and eight are included in a secondary school.

*“Enrolled user”* means a user of the registry who has completed an enrollment form that specifies the conditions under which the registry can be accessed and who has been issued an identification code and password by the department.

*“Immunization registry”* or *“registry”* means the database and file server maintained by the department as well as the software application that allows enrolled users to exchange immunization records.

*“Institution of higher education”* means a postsecondary school.

*“Licensed child care center”* means a facility or program licensed by the Iowa department of human services to provide child care for seven or more children or a prekindergarten or preschool, regardless of the source of funding, operated by a local school district, an accredited nonpublic school, an area education agency, or a college or university.

*“Nurse”* means a person licensed to practice as a nurse pursuant to Iowa Code chapter 152.

*“Nurse practitioner”* means a person licensed to practice as a registered nurse pursuant to Iowa Code chapter 152 and certified by a professional certifying body approved by the board of nursing.

*“On-campus residence hall or dormitory”* means campus housing for students that is owned or leased by the institution of higher education and located on a recognized campus site.

*“Physician”* means a person licensed to practice medicine and surgery or osteopathic medicine and surgery pursuant to Iowa Code chapter 148, 150, or 150A.

*“Physician assistant”* means a person licensed to practice as a physician assistant pursuant to Iowa Code chapter 148C.

*“Postsecondary school”* means a postsecondary institution under the control of the state board of regents, a community college established under Iowa Code chapter 260C, or an accredited private institution as defined in Iowa Code section 261.9, subsection 1.

*“Postsecondary student”* means a person who has officially registered with a postsecondary school, as determined by the school, and who physically attends class on the school’s campus. For purposes of these rules, “postsecondary student” does not include a person who is exclusively registered in a correspondence course or continuing education class or who attends class exclusively by means of the Internet or the Iowa communications network or through other means which do not require the person’s physical presence on the school’s campus.

*“Provisional enrollment”* means enrollment for a period of time not to exceed the limit specified in subrule 7.7(2) to allow the applicant to meet the requirements of these rules. A provisionally enrolled applicant is entitled access to all the benefits, activities, and opportunities of the school or licensed child care center. Provisional enrollment shall not deny the school funding for the applicant.

*“Secondary school”* means (a) a junior high school comprising grades 7, 8 and 9, and a senior high school; (b) a combined junior-senior high school comprising grades 7 through 12; (c) a junior high school comprising grades 7 and 8 and a high school comprising grades 9 through 12; (d) a high school comprising grades 9 through 12.

*“Signature”* means an original signature, or authorized use of stamped signature, or electronic signature of a physician, physician assistant, or nurse.

**641—7.2(139A) Persons included.** The immunization requirements specified elsewhere in these rules apply to all persons enrolled or attempting to enroll in a licensed child care center or a public or nonpublic elementary or secondary school in Iowa including those who are provided competent private instruction.

**641—7.3(139A) Persons excluded.** Exclusions to these rules are permitted on an individual basis for medical and religious reasons. Applicants approved for medical or religious exemptions shall submit to the admitting official a valid Iowa department of public health certificate of immunization exemption.

**7.3(1)** A medical exemption may be granted to an applicant when, in the opinion of a physician, nurse practitioner, or physician assistant, the required immunizations would be injurious to the health and well-being of the applicant or any member of the applicant’s family or household. A medical exemption may apply to a specific vaccine(s) or all required immunizations. A certificate of immunization exemption for medical reasons is valid only when signed by a physician, nurse practitioner, or physician assistant. If, in the opinion of the physician, nurse practitioner, or physician assistant issuing the medical exemption, the exemption should be terminated or reviewed at a future date, an expiration date shall be recorded on the certificate of immunization exemption.

**7.3(2)** A religious exemption may be granted to an applicant if immunization conflicts with a genuine and sincere religious belief. A certificate of immunization exemption for religious reasons shall be signed by the applicant or, if the applicant is a minor, by the parent or guardian or legally authorized representative and shall attest that immunization conflicts with a genuine and sincere religious belief and that the belief is in fact religious, and not based merely on philosophical, scientific, moral, personal, or medical opposition to immunizations. The certificate of immunization exemption for religious reasons is valid only when notarized. Religious exemptions shall become null and void during times of emergency as determined by the state board of health and declared by the director of public health.

**641—7.4(139A) Required immunizations.**

**7.4(1)** Applicants enrolled or attempting to enroll shall have received the following vaccines in accordance with the doses and age requirements listed below:

**IMMUNIZATION REQUIREMENTS**

Institution	Age	Vaccine	Total Doses Required
Licensed child care center	< 2 months	None	
	2 through 5 months	Diphtheria/Tetanus/Pertussis <sup>1</sup>	1 dose
		Polio	1 dose
		<i>Haemophilus influenzae</i> type B	1 dose
	6 through 14 months	Diphtheria/Tetanus/Pertussis <sup>1</sup>	2 doses
		Polio	2 doses
		<i>Haemophilus influenzae</i> type B	2 doses
	15 through 18 months	Diphtheria/Tetanus/Pertussis <sup>1</sup>	3 doses
		Polio	3 doses
		<i>Haemophilus influenzae</i> type B	3 doses, with the final dose in the series received when the applicant is ≥ 12 months of age; or 1 dose received when the applicant is ≥ 15 months of age.
	19 months and older	Measles/Rubella <sup>2</sup>	1 dose of measles/rubella-containing vaccine received after the applicant was at least 12 months of age; or the applicant demonstrates a positive antibody test for measles and rubella.
	19 months and older	Diphtheria/Tetanus/Pertussis <sup>1</sup>	3 doses
		Polio	3 doses
		<i>Haemophilus influenzae</i> type B	3 doses, with the final dose in the series received when the applicant is ≥ 12 months of age; or 1 dose received when the applicant is ≥ 15 months of age.
		Measles/Rubella <sup>2</sup>	1 dose of measles/rubella-containing vaccine received after the applicant was at least 12 months of age; or the applicant demonstrates a positive antibody test for measles and rubella.
		Varicella	1 dose if the applicant was born on or after September 15, 1997, unless the applicant has had a reliable history of natural disease. This dose shall have been received after the applicant was at least 12 months of age.

Elementary school/ secondary school	4 years of age and older	Diphtheria/Tetanus/Pertussis <sup>1,3</sup>	3 doses, with at least 1 dose of diphtheria/tetanus/pertussis-containing vaccine received after the applicant's fourth birthday if the applicant was born on or before September 15, 2000; or 4 doses, with at least 1 dose of diphtheria/tetanus/pertussis-containing vaccine received after the applicant's fourth birthday if the applicant was born after September 15, 2000.  Applicants $\geq 7$ years of age are exempt from receiving further doses of pertussis-containing vaccine; therefore, tetanus and diphtheria-containing vaccine should be used.
		Polio	3 doses, with at least 1 dose on or after the applicant's fourth birthday.
		Measles/Rubella <sup>2</sup>	2 doses of measles/rubella-containing vaccine; or the applicant demonstrates a positive antibody test for measles and rubella. The first dose shall have been received on or after the applicant's first birthday; the second dose shall have been received no less than 28 days after the first dose.
		Hepatitis B	3 doses if the applicant was born on or after July 1, 1994.
		Varicella	1 dose if the applicant was born on or after September 15, 1997, unless the applicant has had a reliable history of natural disease. This dose shall have been received after the applicant was at least 12 months of age.

<sup>1</sup> Pediatric diphtheria and tetanus vaccine may be substituted for the pertussis-containing vaccine, without a medical exemption, when pertussis vaccine is contraindicated for the child < 7 years of age.

<sup>2</sup> Mumps vaccine may be included in measles/rubella-containing vaccine.

<sup>3</sup> If a child received the first dose of tetanus/diphtheria-containing product when the child was < 12 months of age, 4 doses are required, with 1 dose on or after the child's fourth birthday. If a child received the first dose of tetanus/diphtheria-containing product when the child was  $\geq 12$  months of age, 3 doses are required, with 1 dose on or after the child's fourth birthday.

**7.4(2)** Vaccine doses administered  $\leq 4$  days before the minimum interval or age shall be counted as valid. Doses administered  $\geq 5$  days earlier than the minimum interval or age shall not be counted as valid doses and shall be repeated as age-appropriate.

**7.4(3)** For vaccine administration, the minimum age and intervals recommended by the advisory committee on immunization practices shall be followed.

**641—7.5(139A) Required education.** Each institution of higher education that has an on-campus residence hall or dormitory shall provide vaccination information on meningococcal disease to each postsecondary student enrolled in the institution of higher education. Meningococcal disease information shall be contained on student health forms. For purposes of this rule, student health form(s) means a document(s) prepared by an institution of higher education that contains, at a minimum, information on meningococcal disease, vaccination information and any recommendations issued by the national Centers for Disease Control and Prevention regarding meningococcal disease. The student health form(s) shall also include space for the postsecondary student to indicate whether or not the postsecondary student has received vaccination against meningococcal disease, including, at a minimum, the date of vaccination. The student health form(s) shall also include space for the postsecondary student to indicate whether or not the postsecondary student has received information on meningococcal disease and benefits of vaccine. If a traditional student health form is not utilized by the institution of higher education, any document(s) containing the above information is acceptable.

**641—7.6(139A) Proof of immunization.**

**7.6(1)** Applicants, or their parents or guardians, shall submit a valid Iowa department of public health certificate of immunization to the admitting official of the school or licensed child care center in which the applicant wishes to enroll. To be valid, the certificate shall be the certificate of immunization issued and provided by the department, a computer-generated copy from the immunization registry, or a certificate of immunization which has been approved in writing by the department and shall be signed by a physician, a physician assistant, a nurse, or a certified medical assistant directed to sign by a supervising physician, physician assistant, or nurse practitioner. A faxed copy, photocopy, or electronic copy of the valid certificate is acceptable. The judgment of the adequacy of the applicant's immunization history should be based on records kept by the person signing the certificate of immunization or personal knowledge of the applicant's immunization history, or comparable immunization records from another person or agency, or an international certificate of vaccination, or the applicant's personal health records. If personal health records are used to make the judgment, the records shall provide the vaccine(s) administered and the date given. Persons validating the certificate of immunization are not held responsible for the accuracy of the information used to validate the certificate of immunization if the information is from sources other than their own records or personal knowledge.

**7.6(2)** Persons wishing to enroll who do not have a valid Iowa department of public health certificate of immunization available to submit to the admitting official shall be referred to a physician, a physician assistant, a nurse, or a certified medical assistant directed by a supervising physician, physician assistant, or nurse practitioner to obtain a valid certificate.

**641—7.7(139A) Provisional enrollment.**

**7.7(1)** Applicants who have begun but not completed the required immunizations may be granted provisional enrollment. To qualify for provisional enrollment, applicants shall have received at least one dose of each of the required vaccines or be a transfer student from another school system. A transfer student is an applicant seeking enrollment from one United States elementary or secondary school into another. Applicants shall submit a valid Iowa department of public health provisional certificate of immunization to the admitting official of the school or licensed child care center in which the applicant wishes to be provisionally enrolled. To be valid, the provisional certificate shall be signed by a physician, a physician assistant, a nurse, or a certified medical assistant directed to sign by a supervising physician, physician assistant, or nurse practitioner. Persons validating the provisional certificate of immunization are not held responsible for the accuracy of the information used to validate the provisional certificate of immunization if the information is from sources other than their own records or personal knowledge.

*a.* Any person wishing to be provisionally enrolled who does not have a valid Iowa department of public health provisional certificate of immunization to submit to the admitting official shall be referred to a physician, a physician assistant, a nurse, or a certified medical assistant directed by a supervising physician, physician assistant, or nurse practitioner to obtain a valid certificate.

*b.* Reserved.

**7.7(2)** The amount of time allowed for provisional enrollment shall be as soon as medically feasible but shall not exceed 60 calendar days. The period of provisional enrollment shall begin on the date the provisional certificate is signed. The person signing the provisional certificate shall assign an expiration date to the certificate and shall indicate the remaining immunizations required to qualify for a certificate of immunization.

**7.7(3)** The applicant or parent or guardian shall ensure that the applicant receive the necessary immunizations during the provisional enrollment period and shall submit a certificate of immunization to the admitting official by the end of the provisional enrollment period.

**7.7(4)** If the applicant has not submitted a certificate of immunization by 10 calendar days prior to the expiration of the provisional enrollment, the admitting official shall notify the applicant, or if the applicant is a minor, the minor's parents or guardian, in writing of the impending expiration of provisional enrollment and invite the applicant and parents or guardian for a conference to discuss the rules regarding provisional enrollment.

**7.7(5)** If at the end of the provisional enrollment period the applicant or parent or guardian has not submitted a certificate of immunization, the admitting official shall immediately exclude the applicant from the benefits, activities, and opportunities of the school or licensed child care center until the applicant or parent or guardian submits a valid certificate of immunization.

**7.7(6)** If at the end of the provisional enrollment period the applicant has not completed the required immunizations due to minimum interval requirements, the provisional enrollment may be extended if the applicant or parent or guardian submits another Iowa department of public health provisional certificate of immunization.

#### **641—7.8(139A) Records and reporting.**

**7.8(1)** It shall be the duty of the admitting official of a licensed child care center or elementary or secondary school to ensure that the admitting official has a valid Iowa department of public health certificate of immunization, certificate of immunization exemption, or provisional certificate of immunization on file for each child enrolled. The admitting official shall ensure that the certificate be properly completed and include, at a minimum, last name, first name, date of birth, vaccine(s) administered, date(s) given, and validation by the appropriate party.

*a.* The admitting official shall keep the certificates on file in the school or licensed child care center in which the applicant is enrolled and assist the applicant or parent or guardian in the transfer of the certificate to another school upon the transfer of the applicant to another school.

*b.* Unless otherwise requested by the applicant, or parent or guardian, the admitting official shall retain the Iowa department of public health certificate of immunization, or certificate of immunization exemption, or provisional certificate of immunization for three years commencing upon the transfer or graduation of the applicant or the school may choose to provide the permanent immunization record to the student at time of graduation. Included with the immunization record a letter should state that this is an important document that will be needed by the student for college or employment and should be permanently retained.

**7.8(2)** It shall be the duty of the local boards of health to audit the Iowa department of public health certificates of immunization, certificates of immunization exemption, and provisional certificates of immunization in the schools within their jurisdiction to determine compliance with Iowa Code section 139A.8. The local boards of health shall furnish the Iowa department of public health within 60 days of the first official day of school a report of the audit. The report shall be submitted for each school within the local board of health's jurisdiction and shall include the enrollment by grade, and the number of Iowa department of public health certificates of immunization, certificates of immunization exemption, and provisional certificates of immunization by grade.

**7.8(3)** The local board of health and the Iowa department of public health shall have the right to have access to the Iowa department of public health certificates of immunization, certificates of immunization exemption, and the provisional certificates of immunization of children enrolled in elementary and secondary schools and licensed child care centers within the constraints of the privacy rights of parents and students.

**7.8(4)** The admitting official of an institution of higher education shall provide to the department of education by December 1 each year aggregate data regarding compliance with Iowa Code section 139A.26. The data shall be forwarded to the department within 30 days. The data shall include, but not be limited to, the total number of incoming postsecondary freshmen students living in a residence hall or dormitory who have:

- a. Enrolled in the institution of higher education; and
- b. Been provided information on meningococcal disease; and
- c. Been immunized with meningococcal vaccine.

**641—7.9(139A) Providing immunization services.** It shall be the duty of the local boards of health to provide immunization services where no local provision exists for the services.

**641—7.10(139A) Compliance.** Applicants not presenting proper evidence of immunization, or exemption, are not entitled to enrollment in a licensed child care center or elementary or secondary school under the provisions of Iowa Code section 139A.8. It shall be the duty of the admitting official to deny enrollment to any applicant who does not submit proper evidence of immunization according to rule 7.6(139A) and to exclude a provisionally enrolled applicant in accordance with rule 7.7(139A).

**641—7.11(22) Iowa's immunization registry.**

**7.11(1)** The department shall maintain a statewide immunization registry. Enrolled users are responsible for purchasing and maintaining all computer hardware related to use of the registry and for providing an Internet connection to transfer information between the user's computer and the registry.

**7.11(2)** Purpose and permitted uses of registry. The registry shall consist of immunization information, including identifying and demographic data, to allow enrolled users to maintain and access a database of immunization histories for purposes of ensuring that patients are fully immunized. Enrolled users shall not use information obtained from the registry to market services to patients or nonpatients, to assist in bill collection services, or to locate or identify patients or nonpatients for any purpose other than those expressly provided in this rule.

**7.11(3)** Release of information to the registry. Enrolled users shall provide immunization information including identifying and demographic data to the registry. Information provided may include, but is not limited to, the following:

- a. Name of patient;
- b. Gender of patient;
- c. Date of birth;
- d. Race;
- e. Ethnicity;

- f. Birth state and birth country;
- g. Address;
- h. Parents' names;
- i. Mother's maiden name;
- j. Type of vaccination administered;
- k. Dose or series number of vaccine;
- l. Date vaccination was administered;
- m. Lot number;
- n. Contraindications, precautions;
- o. Provider name, license, and business address; and
- p. Patient history, including previously unreported doses.

**7.11(4)** Confidentiality of registry information. Immunization information, including identifying and demographic data maintained on the registry, is confidential and may not be disclosed except under the following limited circumstances:

- a. The department may release information from the registry to the following:
  - (1) The person immunized or the parent or legal guardian of the person immunized;
  - (2) Enrolled users of the registry who have completed an enrollment form that specifies the conditions under which the registry can be accessed and who have been issued an identification code and password by the department;
  - (3) Persons or entities requesting immunization data in an aggregate form that does not identify an individual either directly or indirectly.
  - (4) Agencies that complete an agreement with the department which specifies conditions for access to registry data and how that data will be used. Agencies shall not use information obtained from the registry to market services to patients or nonpatients, to assist in bill collection services, or to locate or identify patients or nonpatients for any purposes other than those expressly provided in this rule.
  - (5) A representative of a state or federal agency, or entity bound by that state or federal agency, to the extent that the information is necessary to perform a legally authorized function of that agency or the department. The state or federal agency is subject to confidentiality regulations that are the same as or more stringent than those in the state of Iowa. State or federal agencies shall not use information obtained from the registry to market services to patients or nonpatients, to assist in bill collection services, or to locate or identify patients or nonpatients for any purposes other than those expressly provided in this rule.
- b. Enrolled users shall not release immunization data obtained from the registry except to the person immunized, the parent or legal guardian of the person immunized, health records staff of licensed child care centers and schools, medical or health care providers providing continuity of care, and other enrolled users of the registry.

**641—7.12(22) Release of immunization information.**

**7.12(1)** *Between a physician, a physician assistant, nurse, or a certified medical assistant directed by a supervising physician, physician assistant, or nurse practitioner and the elementary or secondary school or licensed child care center that the child attends.* A physician, a physician assistant, a nurse, or a certified medical assistant directed by a supervising physician, physician assistant, or nurse practitioner shall disclose a student's immunization information, including the student's name, date of birth, and demographic information, the month, day, year and vaccine(s) administered, and clinic source and location, to an elementary or secondary school or a licensed child care center upon written or verbal request from the elementary or secondary school or licensed child care center. Written or verbal permission from a student or parent is not required to release this information to an elementary or secondary school or licensed child care center.

**7.12(2)** *Among physicians, physician assistants, nurses, or certified medical assistants directed by a supervising physician, physician assistant, or nurse practitioner.* Immunization information, including the student's name, date of birth, and demographic information, the month, day, year and vaccine(s) administered, and clinic source and location, shall be provided by one physician, physician assistant, nurse, or a certified medical assistant directed by a supervising physician, physician assistant, or nurse practitioner to another health care provider without written or verbal permission from the student or the parent.

These rules are intended to implement Iowa Code sections 139A.8 and 22.7(2).

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## CHAPTER 8 SEXUAL ASSAULT EXAMINATION AND REIMBURSEMENT

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[Transferred to Department of Justice[61]; see 61—9.82, 9.83]